

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,

v.

WILLIAM SADLEIR,

Defendant.

20 Cr. 320 (PAE)

**DEFENDANT'S PROPOSED EXAMINATION OF PROSPECTIVE JURORS**

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Defendant William Sadleir, through his counsel, under Rule 24(a) of the Federal Rules of Criminal Procedure, respectfully requests that the Court include the following questions in its examination of prospective jurors. The defendant respectfully requests that the Court pursue more detailed questioning if a particular juror's answer reveals that further inquiry is appropriate and, in such an instance, to conclude with an inquiry into whether the particular fact or circumstance would influence the juror in favor of or against either the government or a defendant, or otherwise affect the juror's ability to serve as a fair and impartial juror in this case.

Dated: December 23, 2021  
New York, New York

Respectfully,

/s/ Matthew L. Schwartz  
Matthew L. Schwartz  
BOIES SCHILLER FLEXNER LLP  
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### **PROPOSED INTRODUCTION**

This is a criminal case. The defendant on trial, William Sadleir, has been charged with the commission of federal crimes in an Indictment filed by a grand jury sitting in this District.

The Indictment is not evidence of any kind. It merely states what crimes the government intends to try to prove that the defendant committed. It is the government's burden to establish the defendant's guilt beyond a reasonable doubt. Unless and until that happens, the defendant is not guilty of any crime. I will instruct the jury on this burden of proof and what it means after all the evidence is presented. But you should know at this point that the government has complete responsibility to prove each charge against the defendant beyond a reasonable doubt. The defendant is not required to prove anything. Even if the defendant offers proof, the burden never shifts to the defendant. The government at all times bears the burden of establishing each defendant's guilt beyond a reasonable doubt.

The defendant has pleaded not guilty to the Indictment—that is, the defendant has denied the charges against him made by the government. He is presumed innocent under our laws. The accusations and the defendant's denials of those accusations raise issues of fact that must be decided by the jury on the basis of the evidence that will be presented in court.

I have no knowledge of the actual facts of this case and nothing that I say today or at any time during the trial is to be considered evidence. I will, however, briefly summarize the charges in this case in order to determine whether there is anything about the charges that may make it difficult or inappropriate for any of you to serve as a fair and impartial juror. Those of you who are selected to sit as jurors will receive a detailed explanation of the charges at the conclusion of the case and after closing arguments.

The Indictment in this case contains three counts or "charges."

Count One of the Indictment alleges that, from at least in or about 2016 through at least in or about March 2020, the defendant was the chairman and chief executive officer of Aviron Pictures, LLC, which I will refer to as Aviron, and the defendant committed a crime involving the use of an advertising company to misappropriate investor funds from Aviron for his personal use. Specifically, Count One charges a violation of wire fraud.

Count Two alleges that the defendant committed a crime involving the forged signatures of one of the managers of the funds that invested in Aviron, and through this forgery, the defendant caused the release of investors' liens on Aviron's assets, which allowed the defendant to sell those assets. Count Two also alleges a violation of wire fraud.

In Count Three, the government alleges that the defendant committed a crime involving the intentional use of the identity of another person to commit the violation of wire fraud alleged in Count Two.

That is a summary of the three counts in the Indictment. Again, the Indictment is merely the government's accusations; it is not evidence, and it is entitled to no weight in your consideration of the evidence. The defendant denies each of the charges and the defendant is presumed innocent. The government has the burden of producing evidence sufficient to prove the defendant's guilt on every count beyond a reasonable doubt.

I expect the trial to last two to three weeks. Sometimes a trial lasts longer or shorter than the judge or the lawyers expect, but I wanted to give you some idea of what we expect at this point. I will tell you a little more about our schedule once the jury is selected.

In a moment, I'm going to ask you all to respond to certain questions. If you have an answer to any question you prefer not to give in public, just let us know and the lawyers and I will hear you up here at the bench. During the questioning, you may be excused from serving as

a juror in this case. If you happen to be one of those excused, it is not a reflection on you. This is all part of our system of justice, which is intended to provide all parties with a jury that they believe will be fair to them.

Before I begin the questioning, I will give you a few simple rules of law that will guide all of us during the trial. First, the function of the jury is to decide questions of fact—that is, to decide any disputed questions about what actually happened in connection with this case based solely on the evidence presented before you. You, who are chosen as jurors, will be the only judges of the facts, and nothing I or the lawyers do or say may in any way intrude on your role as the exclusive fact finders based solely on the evidence presented here in the courtroom. It is not up to me to decide what happened or even to have an opinion about what happened. If you get the impression from anything I say or do that I do have an opinion about the facts, you should disregard it.

Second, when it comes to the law—as distinguished from the facts—you must take your instructions from me, and you are bound by those instructions. You may not substitute your own ideas of what the law is or what you think it ought to be. At the conclusion of the case, your job will be to determine whether the government has proven its case beyond a reasonable doubt according to my instructions on the law.

I'm going to begin with a series of general questions. Please raise your hand if your answer to any of the questions is yes. If your answer is no, you don't have to do anything. If you raise your hand but your answer is something that you would rather not discuss in public, just say so, and we will hear you up here at the bench.

### **GENERAL QUESTIONS**

1. This trial is expected to take two to three weeks, meaning that it well may last until the middle of February or later. Is there any significant hardship that would prevent anyone from serving as a juror for that period of time?

2. Does anyone have any problem with their hearing or their vision, or with any medical problem, that would prevent you from giving your full attention to all the evidence in this case?

3. Does anyone have any difficulty in understanding or reading English that would make it difficult for you to follow the evidence in this case?

4. Does anyone have any ideas or beliefs that would prevent you from following the instructions that I will give as to the law or from acting as a fair and impartial juror in this case based solely on the evidence presented to you?

5. Does anyone have any strong feelings about the criminal justice system or litigation in general that would make it difficult for you to be a fair and impartial juror in this case?

6. Does anyone have any doubt that they would be able to decide this case based solely on the evidence presented at the trial here in this courtroom and not based on any other information?

### **NATURE OF CHARGES**

7. Does anyone have any personal knowledge of the charges in the Indictment in this case or know anything about the facts of this case other than what I have told you thus far?

8. Has anyone heard, read, or seen anything from newspapers, television, radio, the Internet, friends, family, or any other source, regarding William Sadleir, the charges against him, or this case?

9. From this point forward, until you are dismissed as a prospective juror or juror, you will not be permitted to read or listen to any news about this case or about Mr. Sadleir. I cannot stress enough that you are absolutely forbidden from doing any internet research on this case. You are not permitted to Google the defendant or his attorneys. You are not permitted to search any internet sites or read any article if there are any. You won't be allowed to write about your participation as a juror on any internet site or blog. You won't be able to discuss with anyone the events that occur during the course of the trial. This is very important so that we can conduct a fair trial in accordance with our laws and the Constitution. You must be able to focus solely on what's happening in the courtroom, the evidence presented to you, and my instructions as to the law. Does anyone believe that they would have any difficulty complying with this extremely important instruction?

10. This case involves charges relating to raising funds and investment into a motion picture company and the activities of advertising companies.

- a. Have any of you, or your family members or close friends, ever been employed by a motion picture company or an advertising company? What kind? Would that employment affect your ability to be fair and impartial in this case?
- b. Have any of you ever invested in a motion picture company? Would that experience affect your ability to be fair and impartial in this case?



### **KNOWLEDGE OF TRIAL PARTICIPANTS**

11. This case is being prosecuted by the United States Attorney's Office for the Southern District of New York. The United States Attorney in this case is Damian Williams, and Assistant United States Attorneys Elizabeth Hanft and Jared Lenow will be the attorneys for the government who will try this case. They will be assisted by Special Agent \_\_\_\_\_ of the FBI. At times, the government will be assisted by Peter Charalambous and Isabel Wolfson, who are paralegals in the U.S. Attorney's Office. Do you or, to your knowledge, does any relative or friend, know or have any connection or dealings with Damian Williams, the prosecuting attorneys, or anyone else associated with the U.S. Attorney's Office for the Southern District of New York?

12. Do you, a family member, or a close friend or have you, a family member, or a close friend have or had any associations or employment with the FBI or any other law enforcement or regulatory agency?

13. Do you, any relative, or close friend know or have any connection to William Sadleir, or his relatives or friends?

14. Mr. Sadleir is represented at this trial by John Kucera and Matthew Schwartz of the law firm Boies Schiller Flexner LLP. Do you, a family member, or a close friend, or have you or anyone you know had any dealings directly or indirectly with either of these attorneys or their assistants or their law firms?

15. I am going to read a list of names to you. These are names of people and companies that might be mentioned at trial, or who might testify at trial. The purpose of the exercise is to find out whether you know any of these people, have heard of any of them, or have had dealings with any of the people or companies that are going to be mentioned in the course of

the trial. *[List of names to be presented to the Court following submission of the parties' witness lists.]*

### **ABILITY TO BE FAIR AND IMPARTIAL**

#### **A. Issues Relating to the Subject Matter of the Case.**

16. During this trial, you are going to hear evidence about the movie industry and the advertising industry, and specifically about investing in the movie industry and investment advisors. This case has only to do with the specific charges that have been made against William Sadleir and his denials of those charges. This case must be decided fairly and simply on the evidence that you see and hear during trial. Does anyone believe that the nature of the evidence presented will pose any obstacle to serving as fair and impartial jurors?

17. You may hear about transactions involving millions of dollars, and wealthy individuals. Will the fact that this case involves wealthy individuals and transactions involving large sums of money impact your ability to be a fair and impartial juror in this case?

18. Have you or has anyone close to you ever brought a legal claim related to a disappointing investment?

19. Have you or has anyone close to you ever been the victim of a financial fraud or crime? Please explain.

20. Have you or anyone close to you ever been the victim of identity theft? Please explain.

21. Have you or has anyone close to you ever been the victim of *any* crime? Would that fact affect your ability to be a fair and impartial juror?

22. Do you watch any financial or business-related programming, or follow any financial or business-related news, that would affect your ability to be a fair and impartial juror in this case?

23. In this case, there will be a lot of finance-related and accounting-related testimony. Do you have any particular knowledge of any of these subjects through education, work, personal experience, or otherwise?

24. Have you ever felt that you or anyone close to you was taken advantage of in a business or financial transaction? Would that experience affect your ability to serve as a fair and impartial juror in this case?

25. This case may involve the presentation of evidence related to the government's "Paycheck Protection Program" or "PPP," which is a government loan program provided to certain businesses and individuals during the Covid pandemic. Does anyone have any strong feelings about government loans in general or this government loan program specifically, or the companies or individuals who receive government loans or assistance?

26. Have you ever made or lost so much money at one time that it changed your lifestyle? Would that experience affect your ability in any way to serve as a fair and impartial juror in this case?

**B. Issues Relating to Experience with the Legal System.**

27. Do you, or have you, or has anyone close to you, ever been employed by any federal, state, or local prosecutor's office, or any federal, state, or local law enforcement agency or regulatory agency?

28. Do you or does a relative or close friend work for a criminal defense lawyer or private investigator?

29. Are you or do you have any close relatives or friends who are judges, law clerks, court attendants, court clerks, other types of court personnel, probation officers, or persons connected with any correctional institution, jail, or prison?

30. Have you or has a family member ever been a witness to a crime?

31. Have you ever appeared or testified as a witness in any investigation or legal proceeding?

32. Have you or has anyone close to you ever been accused of fraud or charged with a crime? Have any of you ever been accused of identity theft, or have any close friends or family members who have been accused of identity theft?

33. Have you ever been involved, or do you expect to become involved, in any legal action or dispute with the United States or any agency, officer, or employee of the United States, or have you had any financial interest in such a dispute?

34. Have you—either through any experience that you have had, or anything that you have seen or read—developed any bias or prejudice, either for or against, the United States Department of Justice, the United States Attorney’s Office, the FBI or any other federal, state, or local law enforcement or regulatory agency?

35. Have you—either through any experience that you have had, or anything that you have seen or read—developed any bias or prejudice, either for or against, a criminal defense lawyer?

36. Do you have any feelings about individuals who have been charged with financial fraud or identity theft?

37. Do you believe that our system of criminal justice improperly favors anyone?

**C. Views on Evaluating Evidence and Witnesses**

38. I will instruct you that in determining the credibility of a law enforcement witness, such as a Special Agent of the FBI, you must treat that witness like any other witness, and will not give that witness any more weight or less weight just because the witness is a law enforcement agent. Does anyone believe that they will have trouble following this instruction?

39. I will also instruct you that you are to give any witness called by the government and any witness called by the defense no greater or lesser weight simply because they are called by the government or by the defense. Does anyone believe that they will have any trouble following this instruction?

40. During the presentation of the evidence in this case, you may find that the alleged conduct of the defendant is morally or ethically offensive to you, or, alternatively, you may not like the defendant based on testimony or documents presented to you at trial. Nevertheless, your personal feelings about any allegations about the defendant's conduct or the defendant himself is not a matter relevant to the determination of whether the government has sufficiently proved the defendant guilty of a particular charge against him beyond a reasonable doubt. You must evaluate the evidence presented to you in a fair and impartial manner and follow my instructions on the law, including each of the elements that the government must prove beyond a reasonable doubt, in order to find the defendant guilty of a particular charge. Does anyone believe that they will have any trouble following this instruction?

41. Under our Constitution, a defendant does not have to testify, because the burden of proof remains with the government at all times. If the defendant does not testify, the jury may not draw any unfavorable inference against the defendant based on that decision. That fact

cannot enter at all into the jury's deliberations. Does anyone believe that they will have any trouble following this instruction?

42. Under our Constitution, a defendant is under no obligation to present any evidence or case on his own behalf. It is the government that must prove its case beyond a reasonable doubt. If the defendant elects not to present any evidence, the jury cannot draw any adverse inference against the defendant based on that decision. Again, that fact cannot enter at all into the jury's deliberations under our Constitution. Does anyone believe that they will have any trouble following this instruction?

**D. Ability to Follow the Law**

43. Do you have any religious, philosophical, or other beliefs that would make you unable to render a verdict for reasons unrelated to the evidence or the Court's instructions?

44. Can you follow the Court's instructions even if you don't agree with them?

45. Do you have any problem with the legal principle that the burden of proof in a criminal case rests solely on the government?

46. Under the law, a defendant is presumed innocent until and unless the prosecution proves his or her guilt beyond a reasonable doubt. Do you agree or disagree with this principle? Please explain.

47. Do you believe that innocent people can be wrongfully accused of crimes?

48. Does that mere fact that the defendant was indicted change your view of him? If yes, please explain.

**PRIOR JURY SERVICE AND LAWSUITS**

49. Has anyone ever been a juror in a criminal or civil case, state or federal? If so, please state whether each case was in state or federal court, whether it was a criminal or civil

matter, and, without telling us what the verdict was, whether a verdict was reached? Is there anything about your prior experience as a juror that would prevent you from acting as a fair and impartial juror in this case?

50. Have you ever served as a grand juror, state or federal? If you have done so, please indicate where and when you served, and describe, in general terms, the kinds of cases you heard. Is there anything about your prior experience as a grand juror that would prevent you from acting as a fair and impartial juror in this case?

### **QUESTIONS FOR INDIVIDUAL JURORS**

51. What county and what neighborhood do you live in? How long have you lived there? Do you own or rent your home?

52. What level of school did you reach?

53. What, if any, is your present employment? Where is your place of work? What is the nature of your work? How long have you held your current position? What did you do prior to your current job? If retired, what did you do before? If unemployed, what was your last position of employment?

54. If you are married or have a partner, is he or she employed? If yes, what does your spouse or partner do?

55. Do you have children? If yes, how old are they? Do they live at home with you? If they are adults, and are employed, what do they do?

56. Do you regularly read any financial publications or publications that cover the business world? If so, what are they?

57. Do you regularly watch any television programs, or follow any sites on the Internet, or listen to any radio shows or podcasts that cover business news? If so, what are they?

58. What is the main way you get your news: from newspapers, television, the Internet, or otherwise?
59. What newspapers, magazines, websites, or blogs do you regularly read?
60. What television, radio, or podcasts do you regularly watch or listen to?
61. What are your hobbies and activities?
62. Is there anything in your personal history or life experience—whether I have asked specifically about it or not—that would affect your ability to render a fair and impartial verdict in this case?



**INSTRUCTIONS FOLLOWING IMPANELING JURY**

63. From this point on until you retire to deliberate on your verdict, it is your duty not to discuss this case and not to remain in the presence of other persons who may be discussing this case. This rule about not discussing the case with others includes discussions even with members of your own family and your friends.

64. If at any time during the course of this trial, any person attempts to talk to you or to communicate with you about this case, either in or out of the courthouse, you should immediately report such an attempt to me through my deputy clerk. In this regard, let me explain to you that the attorneys and the defendant in a case are not supposed to talk to jurors, even to offer a friendly greeting. So if you happen to see any of them outside this courtroom they will, and should, ignore you. Please do not take offense. They will only be acting properly by doing so.

65. Just as you must not have any in-person communications about this case, you must not communicate with anyone about the case by cellphone, through email, Blackberry, iPhone, text messaging or Twitter, through any blog or website, through any internet chat room, or by way of any other social networking websites, including Instagram, Facebook, LinkedIn, or YouTube. Similarly, you must not use these tools to post any information about the case on the Internet.

66. Do not do any research or make any investigation on your own about any matters relating to this case or this type of case. This means, for example, that you must not consult reference works or dictionaries, search the internet, websites, blogs, or use any other electronic tools to obtain information about this case, this type of case, the parties in this case, or anyone else involved in this case. You must decide this case based only on the evidence presented in the

courtroom and my instructions about the law. It would be improper for you supplement that information on your own.